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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,717	12/22/2000	David M. Pangrac	ADVENT001US	4536
28722	7590	02/03/2006	EXAMINER	
BRACEWELL & PATTERSON, L.L.P.			SALTARELLI, DOMINIC D	
P.O. BOX 969			ART UNIT	
AUSTIN, TX 78767-0969			PAPER NUMBER	
			2611	
DATE MAILED: 02/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/748,717	<b>Applicant(s)</b> PANGRAC ET AL.	
	<b>Examiner</b> Dominic D. Saltarelli	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 59-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed December 16, 2005 have been fully considered but they are not persuasive.
2. Regarding claim 59, applicant argues that Williams does not teach "providing an optical transceiver that is exclusively assigned to a subscriber destination", stating that Williams teaches away from such, citing col. 12, lines 31-39, which state that there is a high cost associated with using several optical to electrical and electrical to optical transceivers in a system (applicant's remarks, page 5).
3. In response, it must be noted that col. 12, lines 7-15 of Williams clearly teaches using multiple sets of physical interface equipment for sending data optically over multiple wavelengths. Further, the examiner has established that the plural optical receivers claimed are met by the plural pairs of transmitters and receivers taught by Williams, shown in fig. 4. In the transmitter array, there are shown 4 distinct lasers operating at 4 distinct wavelengths,  $\lambda_1$ ,  $\lambda_2$ ,  $\lambda_3$ , and  $\lambda_4$ . In the receiver array, there are shown 4 distinct photodetectors operating at the same 4 distinct wavelengths,  $\lambda_1$ ,  $\lambda_2$ ,  $\lambda_3$ , and  $\lambda_4$ . Each optical transceiver is a laser/photodetector pair operating at a particular wavelength (col. 10, lines 25-33). So clearly, Williams teaches plural distinct optical transceivers, and since each wavelength is exclusively assigned to a subscriber (col. 12, lines 41-44), each optical transceiver dedicated to that particular wavelength is exclusively assigned to a subscriber.

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4. Also regarding claim 59, applicant also states that the examiner has erred in assuming that because Williams teaches each transceiver operates on a distinct wavelength, and that wavelengths are dynamically assigned to subscriber destinations, Williams teaches assigning each transceiver to a subscriber destination (applicant's remarks, page 6, second paragraph).

5. In response, it is not an assumption that Williams assigns each transceiver to a subscriber destination. As shown above, there are plural transceivers, each operating at a distinct wavelength, and the because Williams teaches exclusively assigning a wavelength to a subscriber, the only possible logical conclusion one can draw is that the transceiver operating at this wavelength is exclusively assigned to the subscriber.

6. Last, regarding claim 59, applicant argues that Williams does not suggest there is a connection between carrier wavelengths set in each of the integrated circuits 401 and bandwidth allocated by MAC 105, and thus does not teach allocating an entire IC 401 to a specific subscriber and forbids such wavelength to be shared with another other subscriber (applicant remarks, page 6 last paragraph through page 7).

7. In response, Williams teaches, in col. 12, lines 41-44, that specific wavelengths are exclusively assigned to particular subscribers, because this enhances security by ensuring that information destined for another subscriber is not even received by any other subscribers. As stated above, because there are plural distinct transceivers dedicated to each wavelength, and each distinct wavelength is dedicated to a particular customer, Williams teaches exclusively assigning an optical transceiver to a subscriber destination.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 59-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (5,808,767, of record) [Williams].

Regarding claim 59, Williams discloses a communication system for distributing information via an optical network (fig. 6), comprising;

An optical plant (fig. 6, optical fibers 104 and 612<sub>1..N</sub>) ;

A point of distribution (CO in fig. 1), comprising:

A multi-port switch (input interface to MAC 105 in fig. 1 that includes the discrete switches 106-110, col. 6 line 49 – col. 7 line 3 and col. 9, lines 40-47) that forwards source information for each of a plurality of subscriber destinations to a corresponding port (col. 6 line 66 – col. 7 lines 3);

A plurality of optical transceivers (fig. 4, transmitter array 401 and receiver 403), each optical transceiver coupled to one of the plurality of ports of the switch to convert information received from a respective port to a respective one of a plurality of optical source signals (each discrete wavelength carries an optical source signal, col. 10, lines 25-33), and each optical transceiver exclusively assigned to a subscriber destination to allocated unshared bandwidth to its

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assigned subscriber destination (each transceiver operates on a distinct wavelength, col. 10, lines 18-33, wherein the wavelengths are dynamically assigned to subscriber destinations, col. 8, lines 24-31, exclusively, col. 12, lines 31-44); and

A wavelength division multiplexing (WDM) combiner (optical combiner/coupler for multi-IC arrays, col. 10, lines 34-43 and col. 12, lines 7-15) that combines an optical source signal from each of the plurality of optical transceivers into a combined optical signal and that transmits the combined signal onto the optical plant (col. 9 line 65 – col. 10 line 8 and col. 10 lines 34-43);

A plurality of fiber optic cables, each routed to a corresponding one of a plurality of subscriber destinations (fig. 5, col. 12, lines 45-60); and

A WDM selector (fig. 5, WDS 501, 502), coupled to the optical plant, that receives and separates the combined optical signal from the WDM combiner into its individual optical signal components, and that forwards each separate optical signal over a corresponding one of the plurality of fiber optic cables to the subscriber destinations (col. 12, lines 50-60).

Regarding claim 60, Williams discloses the system of claim 59, and discloses the switch comprises an optical switch (MAC 105 performs switching on all optical signals, as seen in fig. 5, the MAC 105 receives optical signals from

SONET ADD/DROP location 601 and routes said optical signals to optical coupler 611, col. 14, lines 23-28).

Regarding claim 61, Williams discloses the system of claim 59, and discloses a plurality of gateway devices (fig. 1, IID 101, col. 6, lines 30-34 and col. 7 lines 18-23), each located at a respective subscriber destination and coupled to a respective one of the plurality of fiber optic cables (fig. 1, fiber 104).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in

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such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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P.O. Box 1450  
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on \_\_\_\_\_.  
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Typed or printed name of person signing this certificate:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS

  
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